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Attorney for Juan Partida

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO VENUE

UNITED STATES OF AMERICA,)	Case No.: CR 12-00834 EMC
)	
Plaintiff,)	DEFENDANT JUAN PARTIDA'S
vs.)	PRETRIAL STATEMENT
)	
JUAN PARTIDA, et. al.,)	Date: January 28, 2014
)	Time: 2:30 p.m.
Defendants.)	Court: Hon. Judge Edward M. Chen
)	

Defendant JUAN PARTIDA, by and through his attorney, Steven F. Gruel, hereby submits the following Pretrial Statement, Pursuant to Criminal Local Rule 17.1-1(b) and this Court's Pretrial Order.

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*DEFENDANT JUAN PARTIDA'S
PRETRIAL STATEMENT*

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2 **(1) Disclosure and contemplated use of statements or reports of witnesses**
3 **under the Jencks Act, 18 U.S.C. § 3500, or Fed. R. Crim. P. 26.2.**

4 Mr. Partida does not have any disclosures pursuant to these statutes, however, the Partida
5 defense does anticipate using statements and reports of witnesses produced in discovery by the
6 prosecution for the purpose of impeachment and/or to refresh witnesses' recollections.

7
8 **(2) Disclosure and contemplated use of grand jury testimony of witnesses**
9 **intended to be called at the trial;**

10 The Partida defense contemplates using grand jury testimony of certain witnesses for the
11 purpose of impeachment and/or to refresh the recollection of a witness.

12 **(3) Disclosure of exculpatory or other evidence favorable to the defendant**
13 **on the issue of guilt or punishment;**

14 Not applicable to Defendant.

15
16 **(4) Stipulation of facts which may be deemed proved at the trial without**
17 **further proof by either party and limitation of witnesses;**

18 Mr. Partida will cooperate with the government to stipulate to those facts that will further
19 the purpose of having an expeditious presentation of evidence, to the degree that it does not
20 undermine his defense. The parties are still in the process of determining specific stipulations.

21 **(5) Appointment by the Court of interpreters under Fed. R. Crim. P. 28.**

22 No interpreters are required for Defendant's witnesses. It is anticipated that at least one
23 government witness (Milton Fierro-Gamez) will require a Spanish interpreter.

1 **(6) Dismissal of counts and elimination from the case of certain issues,**
2 **e.g., insanity, alibi and statute of limitations;**

3 Not applicable.

4 **(7) Joinder pursuant to Fed. R. Crim. P. 13 or the severance of trial as to**
5 **any co-defendant.**

6 Mr. Partida has filed his Motion to Sever Trials from Monico Dominguez, which is
7 pending. Mr. Partida respectfully submits that a joint trial with Mr. Dominguez will deny the
8 former of fair trial as protected by the United States Constitution.

9 **(8) Identification of informers, use of lineup or other identification**
10 **evidence and evidence of prior convictions of defendant or any**
11 **witness, etc.;**

12 Mr. Partida has no criminal record. He does intend to introduce evidence of prior
13 convictions of government witnesses, including but not necessarily limited to: Kevin Jensen,
14 Milton Fierro-Gamez, David Dominguez and Chance Trishel.

15 **(9) Pretrial exchange of lists of witnesses intended to be called in person**
16 **or by deposition to testify at trial, except those who may be called only**
17 **for impeachment or rebuttal.**

18 The government has given notice of its list of witnesses anticipated to be called in its
19 case-in-chief. Mr. Partida has filed his witness list and respectfully requested the Court's
20 permission to supplement and amend his list as it becomes necessary.

21 **(10) Pretrial exchange of documents, exhibits, summaries, schedules,**
22 **models or diagrams intended to be offered or used at trial, except**
23 **materials that may be used only for impeachment or rebuttal.**

24 The parties have exchanged these materials. Mr. Partida has filed his *in limine* motion
25 opposing the government's proposed chart of "phone calls" as a summary chart under FRE 1006.

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2 **(11) Pretrial resolution of objections to exhibits or testimony to be offered**
3 **at trial.**

4 The parties have met and conferred, and continue to do so, to attempt to resolve
5 objections to exhibits or testimony to be offered at trial.

6 **(12) Preparation of trial briefs on controverted points of law likely to arise**
7 **at trial.**

8 The parties have submitted separate trial briefs pursuant the the Court's Pretrial Order.

9 **(13) Scheduling of the trial and of witnesses.**

10 Defendant anticipates cooperation between the parties to accommodate scheduling of trial
11 and witness testimony.

12 **(14) Request to submit questionnaire for prospective jurors pursuant to**
13 **Crim. L.R. 24-1, voir dire questions, exercise of peremptory and cause**
14 **challenges and jury instructions.**

15 The parties have met and conferred to submit a joint proposed voir dire questionnaire as
16 well as mutually agreed upon jury instructions. It is not anticipated that there will be many
17 significant disagreements on these matters at trial. These materials may need to be supplemented
18 and / or amended as the case proceeds forward.

19
20 **(15) Any other matter which may tend to promote a fair and expeditious trial.**

21 Mr. Partida has submitted motions for severance, to exclude his alleged statements to the
22 FBI on December 12, 2012 without counsel, for complete *Brady* disclosure and for a Bill of
23 Particulars. These motions remain pending.

1 DATED: January 15, 2014

Respectfully submitted,

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4 /s/
STEVEN F. GRUEL
Attorney for Defendant
JUAN PARTIDA
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PRETRIAL STATEMENT*